

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

UNITED WHOLESALE LLC,
An Illinois Limited Liability Company,

Plaintiff,

v.

TRAFFIC JAM EVENTS, a Louisiana
Company, PLATINUM PLUS PRINTING, a
Minnesota Company, and YOUR PREFERRED
PRINTER, LLC, a Louisiana Company,

Defendants.

Case No. 1:11-CV-02637

Judge Robert M. Dow, Jr.

**REPLY IN VIEW OF PLAINTIFF'S FAILURE TO FILE OPPOSITION
TO YOUR PREFERRED PRINTER'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE**

NOW INTO COURT, through undersigned counsel, comes Defendant Your Preferred Printer, LLC ("YPP"), pursuant to Local Rule 7.1, who respectfully submits this reply brief in support of its motion to dismiss YPP from the lawsuit for lack of personal jurisdiction and improper venue under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3).

Plaintiff failed to file an opposition to YPP's motion to dismiss by the May 17, 2012 deadline – a deadline which was set by the court after Plaintiff requested an extension of time to file its opposition – and as such, YPP respectfully urges the court that its motion to dismiss is fully submitted. YPP respectfully represents as follows:

1. On April 18, 2012, YPP filed a motion to dismiss for lack of personal jurisdiction and improper venue under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3). *See* Rec. Docs. 38-49.

2. The presentment hearing for YPP's motion was scheduled for Tuesday, April 24, 2012. *See* Rec. Doc. 40.

3. At the April 24 presentment hearing, the court established deadlines of May 8, 2012 for plaintiff's response and May 15, 2012 for YPP's reply. *See* Rec. Doc. 41.

4. Plaintiff failed to appear at the April 24 presentment hearing, and instead filed on April 26, 2012 a motion for a two-week extension of time (i.e., until May 22, 2012) to respond to YPP's motion to dismiss. *See* Rec. Docs. 43-44.

5. On May 1, 2012 (only two days before a court-scheduled status hearing on May 3, 2012), Plaintiff filed a motion seeking jurisdictional discovery. *See* Rec. Docs. 45-46.

6. At the status hearing on May 3, 2012, the court granted Plaintiff's motion for extension of time to respond to YPP's motion to dismiss, setting May 17, 2012 as the deadline for response. *See* Rec. Doc. 47.

7. The court took Plaintiff's motion for jurisdictional discovery under advisement, setting YPP's response due on May 10, 2012 and Plaintiff's reply brief due on May 17, 2012. *See id.*

8. At the May 3 status hearing, the court asked United Wholesale to explain in its opposition to YPP's motion to dismiss why jurisdictional discovery was necessary for United Wholesale to respond to said motion to dismiss. United Wholesale has not done so. In fact, United Wholesale has not filed anything since the May 3 status hearing.

9. In accordance with the court's order, YPP filed its opposition to United Wholesale's motion for jurisdictional discovery on May 10, 2012. *See* Rec. Doc. 48.

10. Despite the court's granting Plaintiff an extension of time until May 17, 2012 to file its opposition to YPP's motion to dismiss, Plaintiff did not file an opposition.

11. Plaintiff further failed to file a reply brief in support of its motion for jurisdictional discovery, which reply was also due on May 17, 2012.

12. As a result of Plaintiff's failure to file either an opposition to YPP's motion to dismiss, or a reply brief in support of its motion for jurisdictional discovery, United Wholesale has not satisfied the court's request (made in the May 3 status hearing) to explain why jurisdictional discovery is necessary.

13. YPP timely files this reply (even though there is no "opposition" to which to reply) in observance of the May 24, 2012 deadline set by the court.

14. In view of Plaintiff's failure to file an opposition to YPP's motion to dismiss, YPP respectfully urges that its motion to dismiss is fully submitted, ready for decision by the court, and should be granted.

Dated: May 24, 2012

Respectfully Submitted,

/s/ Robert P. Greenspoon

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CERTIFICATE OF SERVICE

The undersigned attorney of record certifies that service of the foregoing document has been made on May 24, 2012, via the Court's CM/ECF system based on its electronic filing, under Local Rules 5.5(a)(3) and General Order 09-014 Section X.E. In this manner, service has been made on all attorneys of record in this case.

/s/ Robert P. Greenspoon
Robert P. Greenspoon

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